REMARKS

Reconsideration and allowance are respectfully requested.

A substitute specification with a marked up copy are submitted. No new mater is added.

Claims 1-29 stand rejected under 35 USC §103 as being unpatentable over Besset in view of Spitzer. The rejection is respectfully traversed.

The instant application is a U.S. national phase or PCT international Application No. PCT/SE2003/001427 which has an international filing date of September 11, 2003. As set forth in section 35 USC §363, an international application designating the United States "shall have the effect, from its international filing date under article 11 of the treaty, of any national application for patent regularly filed in the Patent and Trademark Office." The Spitzer patent has a filing date of March 10, 2005 with a provisional filing date of March 16, 2004. Both of these filing dates are _after_ the U.S. filing date of the instant application of September 11, 2003. Therefore, Spitzer is not prior art to the instant application.

Thus, the rejection is improper and should be withdrawn.

Moreover, Applicants point out that Besset does not disclose a base station system that compares the size of a data packet segment with a size of a next consecutive data packet segment in the buffer. The Examiner refers to column 2, lines 4-12 as allegedly teaching this claim feature. But this section of Besset only indicates that data segments can be segmented. There is no teaching that a complete data packet is identified based on a comparison of sizes of consecutive data packets. Rather, Besset consistently stresses that the CPS-UU field in the header of the CPS packets (data packet segments) is used to identify a complete AAL2 SDU frame (complete data packet). Thus, if the UUI includes a value of 27, it indicates that more data is required, whereas a value of 26 indicates reception of the last data of the last packet.

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The only reference to sizes in Besset is the length indicator field of the CPS packets. But this is simply used to determine whether the buffer is in a state of congestion, and it is not used for any complete data packet identification. See column 6, lines 31-36 and column 8, lines 51-56.

Nor does Besset teach discarding an identified complete data packet from a buffer. In contrast, Besset teaches discarding the complete data packet **before** entering the data in the buffer. See column 4, lines 41-43 as well as claim 1 in Besset.

The application is in condition for allowance. An early notice to that affect is earnestly solicited.

Respectfully submitted,

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